

REMARKS

This Amendment is prepared in response to the first Office action mailed on 14 June 2005 (Paper No. 0605). Upon entry of this amendment, claims 4-7 and 9-27 will be pending. Applicant has canceled claims 1-3, 8 and 19-20 without prejudice or disclaimer as to their subject matter, newly added claims 21-27 and amended claims 4, 6, 9, 10, 13 and 18 by this amendment.

In Paper No. 0605, the Examiner objected to the drawings because the specification never refers to reference numeral 31. Applicant has amended paragraphs 0036, 0041, 0042, 0044, 0050, 0053, 0055, 0056 and 0058 of the specification by this amendment to overcome this objection. Reference numeral 31 refers to a "circuit element". Applicant has also amended FIG. 1 by this amendment to show reference numerals 31 pointing to the circuit elements of FIG. 1 by this amendment.

In Paper No. 0605, the Examiner indicated that the references of JP-2001-83888 to Sakurai and JP-2001-282114 to Tsuruki was not considered by the Examiner even though these references were part of Applicant's specification as originally filed because these references were not also included in an IDS. Applicant disagrees. In Paper No. 0605, the Examiner relied on MPEP section 609 to support this inaction. Applicant has the following comments:

Applicant submits that the Examiner improperly questioned Applicant's discussion pursuant to 37 CFR §1.71(a) and (b) on page 2 of the specification. Correction is required and expungement of any statement which would imply a less than thorough and complete examination of the pending application.

Moreover, the examiner improperly interpreted section 609 of the *Manual Of Patent Examining Procedure*, revision 2 (May 2004) which states:

"The list of information complying with the identification requirements of 37 CFR §1.9 (a)(b) may not be incorporated into the specification of the Application in which it is being supplied, but must be submitted in a separate sheet of paper."

In the instant application, part is Applicant's submission of an Information Disclosure Statement in response to the Examiner's request set forth in Paper Number 0605, the instant application contained no "list of information" submitted under 37 CFR §1.98 (b). Consequently, Applicant submits that §609 of the Manual is not applicable to this application. Rather, the instant application contained a discussion of the art written "in such a manner as to distinguish it from other inventions and from what is old" as is required under 37 CFR §1.71(a) and (b), and to "particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates ..." and "to such parts as necessarily cooperate with it or as may be necessary to a complete

understanding or description of it” as is required under 37 CFR §1.71(c). Consequently, to the extent that Applicant’s originally filed specification and information incorporated into or otherwise referred to by that specification have not been considered prior to the mailing of Paper Number 0605, Paper Number 0605 is incomplete under 37 CFR §1.104(a)(b)(c). Clarification is requested and a corrected and fully complete first Office Action in substitution of the incomplete Office Action represented by Paper Number 0605 is respectfully requested.

In addition, Applicant has also filed an IDS in the U.S. Patent Office on July 8, 2005 citing of JP-2001-83888 to Sakurai and JP-2001-282114 to Tsuruki therein.

In Paper No. 0605, the Examiner objected to claim 20. Applicant has canceled claim 20 by this amendment making this claim objection moot.

In Paper No. 0605, the Examiner used USP 6,882,108 to Kim, USP 6,198,222 to Chang, USP 6,633,126 to Tsai, US Pat App Pub 2002/0153840 to Isohata, US Pat App Pub 2002/1059240 to Wabtanabe and JP 11-242442 to Goto to reject claims 1, 2, 3, 8, 18 and 20. Applicant has either canceled these claims or amended these claims making these prior art rejections moot.

In Paper No. 0605, the Examiner has deemed claims 4, 5, 6, 7, 9-17 and 19 as

allowable if rewritten in independent form. In this amendment, Applicant has amended claims 4, 6, 9, 10, 13 and 18 to place them in independent form to make them allowable. Additional minor modifications were also made to these claims to improve clarity.

Further, by this amendment, Applicant has newly added claims 21-27. Applicant is adding these claims to claim the embodiment of curved regulating members in more broader form that before as Applicant found this feature to be absent from each of USP 6,882,108 to Kim, USP 6,198,222 to Chang, USP 6,633,126 to Tsai, US Pat App Pub 2002/0153840 to Isohata, US Pat App Pub 2002/1059240 to Wabtanabe and JP 11-242442 to Goto. Entry of and favorable examination of these claims is respectfully requested.

A fee of \$850 is incurred by the addition of four (4) independent claims in excess of 3 and one (1) depending claims in excess of 20. Applicant's check drawn to the order of Commissioner accompanies this Response. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

In view of the above, it is submitted that all of the claims now present in the application are patentable over the cited references, taken either alone or combination and accordingly should now be in a conditions suitable for allowance.

No other issues remaining, reconsideration and favorable action upon all of the claims
now present in the application is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. E. Bushnell', is written over a horizontal line.

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